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# **Notice of Allowability**

**Application No.**

09/786,336

**Examiner**

Ross A. Williams

**Applicant(s)**

KASPAROV ET AL.

**Art Unit**

3713

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6-14-2005.
2. ☒ The allowed claim(s) is/are 55-58.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 55 – 58 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 55 is allowable over the prior art of record. The prior art of record Fascenda et al. USPN 4,592,546 teaches a method of betting on a live event such as football. The participant will observe a football game on a television receiver. By utilizing a game console, the participant can input predictions as to what plays or formations will be called next in the game. Fascenda et al teaches the use of timers to record the time at which the participant entered their prediction into the system and the time at which the ball was snapped. The time at which the participant made the prediction and the time at which the ball was snapped are compared to each other. Depending on that comparison the predicted play input by the participant is determined to be valid or invalid. The participant is then scored according to the outcome of the comparison.

The prior art of record fails to teach a method for playing a lottery game wherein the method consists of connecting a portable lottery device to a computer, wherein the portable lottery device is comprised in part of a timer. The computer reads timing data regarding the frequency and period of data that is output by the timer. The computer then stores this timing data. The portable lottery device is then disconnected from the computer and the participant can play the lottery game. The participant can then play an i-th amount of plays, wherein "i" is any number of plays on the portable lottery device. After the

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participant plays the lottery game the participant then reconnects the portable memory device to the computer and the timing data relating to the i-th play of the lottery game is read and stored by the computer. The method then determines if the initial timing data read from the portable game device and the timing data relating to the i-th play is within a desired coincidence level determined by the formula:  $T(i) = T1 + [N(i) - N1]*P$ . If the comparison is within a desired coincidence level as determined by the above formula then a prize is determined based upon the calculated time  $T(i)$ .

The claimed feature that is distinguishable over the prior art is the comparison of the timing data of the portable lottery device before the player actually plays the game, with the timing data of a specific play (i.e. the i-th play) that the player has played on the portable lottery device by means of the formula  $T(i) = T1 + \{N(i) - N1\}*P$ , to determine a player's prize. Neither Fascenda et al. or the prior art of record disclose a lottery game that is operated according to this method.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross A. Williams whose telephone number is (571) 272-5911. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SUPERVISORY PATENT EXAMINER  
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